



2009 SENATE BILL 29

1 **AN ACT** *to amend* 346.80 (2) (c); and *to create* 346.94 (20) and 346.95 (10) of the
2 statutes; **relating to:** passing parked motor vehicles and opening motor vehicle
3 doors on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1m.** 346.80 (2) (c) of the statutes is amended to read:
5 346.80 (2) (c) Any person operating a bicycle or electric personal assistive
6 mobility device upon a roadway shall exercise due care when passing a standing or
7 parked vehicle or a vehicle proceeding in the same direction, allowing and, when
8 passing a standing or parked vehicle that is a school bus that is not displaying
9 flashing red warning lights as provided in s. 346.48 (1) or a motor bus, shall allow
10 a minimum of 3 feet between the bicycle or electric personal assistive mobility device

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1 and the vehicle, ~~and shall give an audible signal when passing a bicycle or electric~~
2 ~~personal assistive mobility device rider proceeding in the same direction.~~

3 **SECTION 2.** 346.94 (20) of the statutes is created to read:

4 **346.94 (20)** OPENING MOTOR VEHICLE DOOR ON HIGHWAY. (a) No person may open
5 any door of a motor vehicle located on a highway without first taking due precaution
6 to ensure that his or her act will not interfere with the movement of traffic or
7 endanger any other person or vehicle.

8 (b) The operator of a motor vehicle located on a highway may not permit any
9 person under 16 years of age to open any door of the motor vehicle without the
10 operator first taking due precaution to ensure that opening the door will not interfere
11 with the movement of traffic or endanger any other person or vehicle.

12 **SECTION 4m.** 346.95 (10) of the statutes is created to read:

13 **346.95 (10)** (a) Any person who violates s. 346.94 (20) (b) and any person 16
14 years of age or older who violates s. 346.94 (20) (a) may be required to forfeit not less
15 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
16 \$100 for the 2nd or subsequent conviction within a year.

17 (b) No forfeiture may be assessed for a violation of s. 346.94 (20) (a) if the
18 violator is less than 16 years of age when the offense occurs.

19 (END)